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In re Application of
Mark H. Pausch et al.
Application No. 08/816,011
Filed: March 11, 1997
Attorney Docket No. 34.421-C2

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 22, 2000, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to timely file a fully responsive reply to the Office action mailed March 18, 1999, which set a shortened statutory period for reply of one (1) month. In the Office action, the examiner noted that Claims 1-33 and 36-39 of the instant application were pending and subject to restriction or election requirement. Petitioner obtained a one (1) month extension of time for reply on May 20, 1999 and filed a response to the Office action on this same date. The certificate of mailing date for these filings was May 17, 1999.

On August 18, 1999, the examiner mailed to petitioner a communication notifying petitioner of the insufficiency of petitioner's May 20, 1999 response to the March 18, 1999 Office action. Citing petitioner's bona fide attempt to respond appropriately to the March 18, 1999 Office Action, the examiner granted petitioner the longer of one (1) month or thirty (30) days from August 18, 1999 to provide the required information and notified petitioner that extensions of time for reply under 37 CFR 1.136(a) were available.

Petitioner obtained a one (1) month extension of time for reply on October 19, 1999 and filed a response to the examiner's communication of August 18, 1999. On January 5, 2000, the examiner mailed petitioner a communication notifying petitioner that the petitioner's response of October 19, 1999 was not fully responsive to the August 18, 1999 communication and that the application would become abandoned according to the shortened statutory period set in the August 18, 1999 communication unless petitioner corrected the deficiency and obtained an

extension of time for reply under 37 CFR 1.136(a) within the allowable period. Petitioner filed no further response to the January 5, 2000 communication and obtained no further extensions of time for reply within the allowable period. Accordingly, the application became abandoned on October 19, 1999.

The application is being forwarded to Technology Center 1600 for review of the "Response to Notice to Comply and Preliminary Amendment" filed by petitioner on June 22, 2000.

Telephone inquiries concerning this decision should be directed to Kenya A. McLaughlin, Petitions Attorney, at (703) 305-0010.

A handwritten signature in cursive script, appearing to read "Beverly M. Flanagan".

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
For Patent Examination Policy